



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 100-1	Subject: REPORT OF VIOLATION ON PROBATIONERS AND PAROLEES	
Chapter 100: VIOLATIONS/WARRANTS/ARRESTS	Page 1 of 4	
Signature: /s/ Ron Alsbury	Revision Date: 11/15/01; 06/17/02; 01/13/03; 03/06/04; 03/01/05; 08/01/05; 08/20/07	
	Effective Date: 07/30/01	

I. BUREAU DIRECTIVE:

Probation & Parole Bureau employees will follow established procedures for preparing a Report of Violation to District Court for probationers and the Board of Pardons and Parole for parolees.

II. AUTHORITY:

46-18-225, M.C.A.	<i>Criteria for Sentencing Nonviolent Felony Offenders</i>
46-18-203, M.C.A.	<i>Revocation of Suspended or Deferred Sentences</i>
46-23-1012, M.C.A.	<i>Arrest When Violations of Probation Alleged</i>
46-23-1023, M.C.A.	<i>Arrest of Alleged Parole Violator</i>
46-23-1024, M.C.A.	<i>Initial Hearing After Arrest (Parole)</i>
46-23-1025, M.C.A.	<i>Report to and Action by the Board (Board of Pardons and Parole)</i>
ARM 20.25.801.	<i>Revocation Hearings</i>

III. DEFINITIONS: None.

IV. PROCEDURES:

- A. When an officer suspects an offender of violating the terms of the offender's probation or parole agreement, an investigation will be conducted to determine the circumstances of the alleged violation(s).
- B. When it is determined a violation(s) may have occurred, the officer will discuss the issue with the Regional Administrator or their supervisor prior to submitting a *Report of Violation*, to review possible alternatives to incarceration.
- C. When a Report of Violation is deemed necessary, it will be completed utilizing *P&P 100-1 Report of Violation*. The Regional Administrator and POII will review ROV reports submitted by new probationary employees prior to submission to the court or the BOPP.

For parole offenders that are being supervised in another state, the Interstate Unit will complete the *Notice of Violation* and forward along with the *Interstate Offender Violation Report* to the Parole Board. In cases where a parole offender absconds and commits further violations after the initial *Report of Violation* is completed, the interstate unit will file an addendum to this report indicating such violations.

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- 1) Legal History: Include background information on conviction(s), such as date of sentencing, sentencing judge, Judicial District, County and City, length of sentence, (include deferred/suspended/DOC/MSP). If paroled, include date of parole. Also, include the date the conditions of supervision were signed by offender. If not signed, please note.
- 2) Alleged Violation(s): State the number and rule/condition violated. Describe each violation separately in the chronological order of their occurrence, giving date, time, nature of violation.

Supporting Evidence: State information/evidence, which supports each alleged violation.
- 3) Adjustment of Supervision: Note offender's behavior while under supervision; progress and performance on the job, at home and in the community. Note all alternatives available and pursued, treatment programs used and disciplinary hearings held during the period of supervision. Note adherence to court ordered and/or BOPP conditions specifically, victim restitution payments.
- 4) Intermediate Sanctions Imposed and Considered: Note intermediate sanctions that were considered or imposed on the offender to try to gain compliance. This may include intervention hearings held and the sanctions imposed from the hearing, curfew, increase in supervision level, referral to treatment, etc. If no intermediate sanctions were attempted, the officer will need to indicate the reason for such.
- 5) Recommendations: Be specific in stating recommendations to the court or the Board of Pardons and Parole. If offender absconds, request Bench Warrant from District Judge or Parole Violator at Large from Interstate Unit at Central Office. Include all possible alternatives to incarceration.
- 6) Closing: Respectfully submitted; name; title, (State Probation and Parole Officer); address and signature.
- 7) Witnesses: List appropriate P & P Officer and other witnesses with occupation and addresses.
- 8) Affidavit in Support of Petition: Prepare an affidavit for probationers and attach to Report of Violation. Refer to Policy 140-2, On-Site Hearings, for information regarding a formal hearing for parolees.

D. DISTRIBUTION: Distribute report as required by sentencing court.

1. Probationer:
 - a. District Court Judge filed with Clerk of Court, original
 - b. County Attorney
 - c. Defense Attorney for Defendant
 - d. Field File
 - e. Probationer
2. Parolee:
 - a. Board of Pardons and Parole, original
 - b. Interstate Unit, if PVAL (parole violator at large) is requested.

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- c. Parolee
 - d. Hearings Officer (if revoked send copy to Records Department at Montana State Prison or Montana Women's Prison.
 - f. Field File
- E. If an offender is being supervised in a jurisdiction other than the sentencing jurisdiction and the supervising officer files a *Report of Violation*, the supervising officer will maintain the file and supervision of the offender until a final disposition is determined unless other arrangements are made between the sentencing jurisdiction Regional Administrator and the supervising jurisdiction Regional Administrator. If there are circumstances that warrant the offender be transferred, the P&P Officers involved will staff the case with the respective supervisors. The supervisors will review the case and render a decision whether or not the offender will be allowed to transfer and/or the case file will be forwarded to the sentencing jurisdiction if the offender is incarcerated. If the court revokes and reinstates the offender and the offender stays in the same location, the supervising officer should sign the offender to new rules. The region where the revocation was initiated will be responsible to complete all paperwork associated with the revocation procedures. If the offender has absconded, the supervising officer will complete the *Report of Violation* and send it along with the field file to the sentencing jurisdiction for filing and maintenance of the file. If the offender is a parolee or conditional release offender that has absconded supervision, the file will be forwarded to the interstate unit.

PROCEDURE:

1. Investigate alleged violations.
 2. Discuss revocation alternatives, such as Intervention Hearings, with Regional Administrator/PO II prior to submitting *Report of Violation*.
 3. If determined a *Report of Violation* is necessary, it is completed, **printed on pink paper** and distributed.
 4. If the offender is a drug offender and is receiving public assistance or food stamps, the officer will secure a copy of the *Request and Verification to Remove Disqualification for Benefits* form from the file and fill out the relevant part, notifying DPHHS of the person's non-compliance with the conditions of supervision (i.e. filing of the ROV), and mail the form to: DPHHS, c/o TANF Participation Specialist, HCSD-PAB, PO Box 202952, Helena, MT 59620-2952.
 5. If the parole offender absconded supervision and new violations occur after the initial *Report of Violation* is submitted, complete an addendum and forward to the Board of Pardons and Parole.
- If the offender commits new violations after the initial

RESPONSIBILITY:

P & P Officer

P & P Officer

P & P Officer

P&P Officer

Interstate Unit

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Report of Violation has been submitted, write an update to the parole board or sentencing court.

Probation/Parole Officer

6. Review all *Reports of Violation* submitted by new probationary employees prior to submission to court or BOPP.

Regional Administrator/
POII

- V. **CLOSING:** Questions concerning this procedure shall be directed to the immediate supervisor or Regional Administrator.

Forms

P&P 100-1 (A)

Report of Violation

P&P 100-1 (B)

Affidavit in Support of Petition for Revocation

DPHHS

Request and Verification to Remove Disqualification for Benefits (*this form is to be pulled from the field file and completed*)